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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,468

04/22/2005

Harumitsu Miyashita

YAMAP0976US

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51921

7590

10/14/2008

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EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

10/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,468	Applicant(s) MIYASHITA ET AL.	
	Examiner Qutbuddin Ghulamali	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 27-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/30/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 07/02/2008.
2. Applicant's submission of a new abstract is acknowledged and accepted.

Claim Objections

3. Claims 27-31 are objected to because of the following informalities:

Claim 27, line 20 and 21, "for selecting a maximum pattern length and a minimum pattern length", should instead recite -- for selecting the maximum pattern length the minimum pattern length --.

Claim 27, lines 22-24, "detected maximum pattern lengths and minimum pattern lengths", should instead recite -- detected maximum pattern length minimum pattern length --.

Claim 28, lines 19-21, "detected maximum pattern lengths and minimum pattern lengths", should instead recite -- detected maximum pattern length minimum pattern length --.

Claim 29, line 19, "selecting a maximum pattern length and a minimum pattern length", should instead recite -- selecting the maximum pattern length the minimum pattern length --.

Claim 29, line 20, after "that are considered", the words "to be" needs to be deleted.

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Claim 29, lines 20-22, “detected maximum pattern lengths and minimum pattern lengths”, should instead recite -- detected maximum pattern length minimum pattern length --.

Claim 29, lines 23-24, “difference between a maximum pattern length or a minimum pattern length”, should instead recite -- difference between the maximum pattern length or the minimum pattern length --.

Claim 29, line 24, after “minimum pattern length”, the words “to be” needs to be deleted.

Claim 30, line 21, “selecting a maximum pattern length and a minimum pattern length”, should instead recite -- selecting the maximum pattern length the minimum pattern length --.

Claim 30, line 22, after “that are considered”, the words “to be” needs to be deleted.

Claim 30, lines 23-25, “detected maximum pattern lengths and minimum pattern lengths”, should instead recite -- detected maximum pattern length minimum pattern length --.

Claim 30, line 27, after “minimum pattern length”, the words “to be” needs to be deleted.

Claim 31, line 18, “selecting a maximum pattern length and a minimum pattern length”, should instead recite -- selecting the maximum pattern length the minimum pattern length --.

Claim 31, lines 19-21, “detected maximum pattern lengths and minimum pattern lengths”, should instead recite -- detected maximum pattern length minimum pattern length --.

Claim 31, lines 22-23, “difference between a maximum pattern length or a minimum pattern length”, should instead recite -- difference between the maximum pattern length or the minimum pattern length --.

Claim 31, line 23, after “minimum pattern length”, the words “to be” needs to be deleted.

Appropriate corrections noted required.

Conclusion

4. This application is in condition for allowance except for the following formal matters:

The claim objections as noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm’r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutbuddin Ghulamali whose telephone number is (571)-

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272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QG.
October 7, 2008.

/Chieh M Fan/
Supervisory Patent Examiner, Art Unit 2611